



February 17, 2009

SENATE BILL No. 35

DIGEST OF SB 35 (Updated February 12, 2009 12:51 pm - DI 73)

Citations Affected: IC 33-25; noncode.

Synopsis: Indiana court of appeals. Establishes the Sixth District of the court of appeals of Indiana as of January 1, 2010. Provides that the entire state constitutes the Sixth District. (The introduced version of this bill was prepared by the commission on courts.)

Effective: Upon passage; January 1, 2010.

**Bray, Head, Lanane, Broden,
Randolph**

January 7, 2009, read first time and referred to Committee on Judiciary.
January 15, 2009, reported favorably — Do Pass. Reassigned to Committee on Appropriations.
February 16, 2009, reported favorably — Do Pass.

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SB 35—LS 6126/DI 69+



February 17, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

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SENATE BILL No. 35

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 33-25-1-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 1. The court of
3 appeals consists of ~~fifteen (15)~~ **eighteen (18)** judges, who serve for the
4 hearing and decision of causes in ~~five (5)~~ **six (6)** geographic districts
5 described in section 2 of this chapter under Article 7, Section 5 of the
6 Constitution of the State of Indiana.

7 SECTION 2. IC 33-25-1-2 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 2. Indiana is
9 divided into ~~five (5)~~ **six (6)** geographic districts, which shall be
10 designated as the "court of appeals - First District; Second District;
11 Third District; Fourth District; ~~and Fifth District;~~ **and Sixth District**"
12 as follows:

13 (1) First District: Bartholomew, Boone, Brown, Clark, Clay,
14 Crawford, Daviess, Dearborn, Decatur, Dubois, Fayette, Floyd,
15 Fountain, Franklin, Gibson, Greene, Hancock, Harrison,
16 Hendricks, Henry, Jackson, Jefferson, Jennings, Johnson, Knox,
17 Lawrence, Martin, Monroe, Montgomery, Morgan, Ohio, Orange,

SB 35—LS 6126/DI 69+



Owen, Parke, Perry, Pike, Posey, Putnam, Randolph, Ripley, Rush, Scott, Shelby, Spencer, Sullivan, Switzerland, Union, Vanderburgh, Vermillion, Vigo, Warrick, Washington, and Wayne.

(2) Second District: Adams, Blackford, Carroll, Cass, Clinton, Delaware, Grant, Hamilton, Howard, Huntington, Jay, Madison, Marion, Miami, Tippecanoe, Tipton, Wabash, Wells, and White.

(3) Third District: Allen, Benton, DeKalb, Elkhart, Fulton, Jasper, Kosciusko, LaGrange, Lake, LaPorte, Marshall, Newton, Noble, Porter, Pulaski, St. Joseph, Starke, Steuben, Warren, and Whitley.

(4) The entire state constitutes the Fourth District.

(5) The entire state constitutes the Fifth District.

(6) The entire state constitutes the Sixth District.

SECTION 3. IC 33-25-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 3. (a) Judges of the First, Second, and Third Districts of the court of appeals must have resided in their respective districts before appointment to the court. However, judges of the court of appeals appointed before July 1, 1993, must reside in the district from which they are appointed.

(b) The following requirements apply to judges of the Fourth, ~~and~~ Fifth, **and Sixth** Districts of the court of appeals:

(1) One (1) judge must have resided in the First District before appointment to the court.

(2) One (1) judge must have resided in the Second District before appointment to the court.

(3) One (1) judge must have resided in the Third District before appointment to the court.

(c) When a vacancy is created in the court of appeals, the individual who is appointed by the governor to fill the vacancy must be a resident of the district in which the vacancy occurred.

SECTION 4. [EFFECTIVE UPON PASSAGE] **(a) The judicial nominating commission shall, in accordance with IC 33-27-3, nominate three (3) candidates for each of the three (3) judgeships for the court of appeals - Sixth District created by IC 33-25-1, as amended by this act. The commission shall submit the nominations to the governor before November 1, 2009.**

(b) The governor shall appoint the three (3) initial judges of the court of appeals - Sixth District from the list of nominees submitted by the judicial nominating commission before January 1, 2010. The effective date of the appointments is January 1, 2010.

(c) The Indiana department of administration, with the approval of the chief judge of the court of appeals, shall arrange

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1 **for facilities for the court of appeals - Sixth District in Indianapolis**
2 **before January 1, 2010.**
3 **(d) This SECTION expires January 2, 2010.**
4 **SECTION 5. An emergency is declared for this act.**

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COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 35, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS and be reassigned to the Senate Committee on Appropriations.

(Reference is made to Senate Bill 35 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 10, Nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill No. 35, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 35 as introduced.)

KENLEY, Chairperson

Committee Vote: Yeas 8, Nays 0.

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